

REMARKS

This response follows an Office Action of January 2, 2002, rejecting claims 1-6, 8, 9, and 11. The allowability of claim 7 is noted with appreciation. Likewise, the Applicant notes with appreciation that the Examiner has held that claim 8 would also be allowable if the amendment made changes to remove the rejection under 35 U.S.C. § 112, second paragraph. In response to that suggestion, the Applicant has amended claim 8 in a manner required by the Examiner. Thus, it is believed that in addition to claim 7, claim 8 is now also in an allowable condition.

The Applicant has made changes to claim 11 consistent with those noted by the Examiner in paragraph two. It is noted that while the Examiner has listed the changes as applicable to claim 1, it is believed more properly, they apply to claim 11. With those changes, the rejection under 35 U.S.C. § 112, second paragraph to claim 11 should also be removed.

Claims 1-6, 9 and 11 stand rejected as anticipated by British specification 1,115,834. The Examiner relies on the embodiment on Figure 5. It is held that this embodiment “inherently meets the shearing rigidity limitation by having a longer flipper on one side than on the other”. The Examiner relies on the Applicant’s disclosure on page 9, line 27 through page 10, line 18, as identifying the same technique to achieve a difference in shearing rigidity.

The rejection is respectfully traversed. While the Applicant appreciates the Examiner’s linkage to Applicant’s own specification for purposes of providing a basis upon which the contention of inherency is based, it is respectfully submitted that the embodiment of Figure 5 will not anticipate Applicant’s claims. The reasons are as follows.

Claim 1 requires at a minimum that the tire have a reinforcing member arranged in a tire zone, which includes at least each of the side-wall portions. The tire shown in Figure 5 of the

'834 reference, does not arranged flipper strips in both side-wall portions. Rather, the flipper strip is arranged only in one side-wall portion. This is clear from the text and from the description illustrated in the Figure. Reference is made to page 2, lines 100-103, in which it is stated clearly that reinforcement occurs "with the aid of a flipper strip 22 extending into this side-wall whilst the other bead of the tyre does not comprise any flipper or only a flipper of ordinary dimensions". Thus, it is illustrated in Figure 5, the flipper 22 shown in the left hand portion of the tire does extend into the side-wall portion. The side-wall as illustrated as element 15. In contrast, there is no flipper on the right hand side at all. If one were present, then by definition it would be "only a flipper of ordinary dimensions" (page 2, lines 103-104). The phrase "ordinary dimensions" is clearly used by the Applicant to contrast the flipper 22, which extends into the side-wall, and would be understandable to one of ordinary skill in the art as a flipper which is constrained to the bead portion of the tire. Clearly then, it is believed that Applicant's requirement that this reinforcing element exist in both side-wall portions of the tire is not satisfied by Figure 5.

Additionally, the tire claimed requires that the shearing rigidity of the reinforcing member in the circumferential direction serves to apply a breaking force to the tire. This reinforcing member is arranged in the tire when, the tire is mounted on to a vehicle such that it is large in a first tire zone, which is located outside of the vehicle then at a second tire zone, which would be inside the vehicle when the two tire zones are defined.

As the Examiner tacitly recognizes, the '834 reference does not disclose or provide any indication of the shearing rigidity of the member 22 in the circumferential direction. Indeed,

when the reference is considered in its entirety, it is believed that the contention of the inherency made by the Examiner is undercut by the plain teaching of the reference itself.

For example, on page 1, lines 65-68, the reference states “the more supple side-wall of the tyre is preferably placed on the outboard side of the vehicle, but in certain cases the reverse mounting can be adopted”. Thus, the reference does not mandate any particular mounting direction, but rather indicates a preferable side, but then indicates that a reverse mounting can also be adopted. Thus, in this reference there is no essential requirement that the shearing rigidity of the reinforcing member in the circumferential direction is made larger at one first tire zone located at an outside of the vehicle than at a second tire zone, which is located at an inside position of the vehicle.

Turning back to Figure 5, it can be appreciated that that tire includes a filler strip located only on the inboard side-wall of the vehicle. It is constructed such that the rigidity of the reinforcing member is made larger at the tire zone located at an inside of the vehicle than at a tire zone located at an outside of the vehicle.

The reason for this conclusion is found on page 1, lines 74-76. There, the reference states “in all these drawings the outboard side of the tyres is located on the right hand side of the drawings”. The right hand side then, in Figure 5, is the one that does not have the flipper 22 but, if one is present, it would be of ordinary dimension.

Consequently, one of ordinary skill would recognize that the flipper strips are positioned only on the inboard side of the vehicle both as depicted and explained in the ‘834 reference.

There is another important difference, namely that in the case of the '834 reference, the reinforcing member is located only on one side-wall portion of the tire. Applicant's claims require that they be applied to both side-wall portions. In the situation involving the prior art, the difference in rigidities in all directions except for the circumferential direction between both side-wall portions will occur. In contrast, in this invention, it is required that a side-wall member be arranged in both side-wall portions of the tire. The consequence then, is that the present invention adopts a construction where the tires provide with a difference in shearing rigidity in the circumferential direction during a breaking force applied to the tire. This occurs between both side-wall portions on the assumption that the difference in rigidity in all directions except for that in the circumferential direction between both side-wall portions does not occur. Again, the artisan would recognize this clear difference.

In the '834 reference, various tires are disclosed each having a construction where the reinforce side-wall represents and presents a degree of radial suppleness, which was less than that of the other side-wall. What is not disclosed is that a tire with that construction will have a difference in shearing rigidity in the circumferential direction between the two tire zones for the purpose of maintaining stability of the vehicle during breaking. The Examiner's holding of inherency fails because there is no recognition that a difference in radial suppleness itself results in a difference in shearing rigidity in the circumferential direction of the tire. This occurs in addition to the clear structural difference between Applicant's claims and that of the prior art.

In contrast, the '834 reference enhances radial rigidity in one side-wall, but does not point to, or direct the artisan to the concept of enhancing shearing rigidity in a first tire zone in a

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 09/558,334

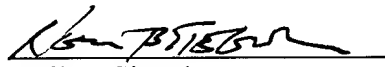
circumferential direction as a function of breaking action. Consequently, it is believed that the holding of anticipation relative to the claims, which stand rejected, claims 1-6, 9 and 11 should be reversed. Should the Examiner have any questions, she is requested to contact the undersigned attorney of record at the local exchange listed below.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860


Neil B. Siegel
Registration No. 25,200

Date: June 3, 2002

APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

8. (Twice Amended) A pair of mounted pneumatic tires according to claim 11, wherein the pair comprises a right-wheeled tire and a left-wheeled [tires] tire, the reinforcing member of each tire comprising a plurality of cross cord reinforcing layers and wherein a cord extending direction of at least one of a reinforcing layer located at an innermost side in the widthwise direction of the tire and a width-widest reinforcing layer among the plural reinforcing layers constituting the reinforcing member is upward to the right in the left-wheeled tire and the upward to the left in the right-wheeled tire as the reinforcing members arranged in the first and second tire zones viewing a plan of the tire mounted onto the vehicle at its phantom developed state from a ground contact side of the tread portion when a forward running direction of the vehicle is upward.

Please add the following new claim:

11. (Amended) A pair of [mounted] pneumatic tires[,] mounted on a vehicle, each tire comprising; a tread portion, a pair of sidewall portions extending inward from both side parts of the tread portion in a radial direction, a bead portion continuously connected to an inner end of the sidewall portion in the radial direction, a carcass reinforcing these portions, a belt arranged on an outer circumferential side of a crown portion of the carcass, and a reinforcing member arranged in a tire zone including at least each of the sidewall portions, wherein a shearing

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 09/558,334

rigidity of the reinforcing member in the circumferential direction, which serves to apply a braking force to the tire, [arranged in the same tire at a posture of mounting the tire onto a vehicle] is made larger at a first tire zone located at an outside of the vehicle than at a second tire zone located at an inside of the vehicle among the above [time] tire zones.